

**SIXTY-FIFTH LEGISLATIVE DAY
TUESDAY, MARCH 16, 2004**

House of Representatives

The House convened at 9:30 a.m., the Speaker in the Chair.

Roll call showed all 70 members present.

Prayer was offered by Chuck Winder, Chairman, Transportation Board.

The Pledge of Allegiance was led by Jeremiah Kats, Page.

Approval of Journal

March 16, 2004

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Sixty-fourth Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the
Governor and the Senate**

March 15, 2004

Mr. Speaker:

I transmit herewith enrolled **S 1298, S 1302, S 1345, S 1372, S 1415, S 1423, S 1424, S 1425, S 1426, S 1427, S 1428, SCR 130, and SCR 131** for the signature of the Speaker.

WOOD, Secretary

The Speaker announced he was about to sign enrolled **S 1298, S 1302, S 1345, S 1372, S 1415, S 1423, S 1424, S 1425, S 1426, S 1427, S 1428, SCR 130, and SCR 131** and, when so signed, ordered them returned to the Senate.

March 15, 2004

Mr. Speaker:

I return herewith enrolled **H 542, H 551, H 553, H 561, H 562, H 534, H 546, H 547, H 548, H 533, H 484, H 485, H 483, H 486, H 505, H 506, H 522, H 523, H 607, H 509, H 535, H 536, H 588, H 610, H 554, H 567, H 601, H 605, H 611, H 493, H 489, H 491, H 494, H 497, H 490, H 492, H 496, H 518, H 537, H 538, and H 480** which have been signed by the President.

WOOD, Secretary

Enrolled **H 542, H 551, H 553, H 561, H 562, H 534, H 546, H 547, H 548, H 533, H 484, H 485, H 483, H 486, H 505, H 506, H 522, H 523, H 607, H 509, H 535, H 536, H 588, H 610, H 554, H 567, H 601, H 605, H 611, H 493, H 489, H 491, H 494, H 497, H 490, H 492, H 496, H 518, H 537, H 538, and H 480** were referred to the Judiciary, Rules,

and Administration Committee for delivery to the Governor.

March 15, 2004

Mr. Speaker:

I transmit herewith **S 1290** which has passed the Senate.

WOOD, Secretary

S 1290 was filed for first reading.

March 15, 2004

Mr. Speaker:

I return herewith **HJM 18, HCR 55, HCR 44, H 495, H 549, H 540, H 569, H 622, H 618, H 614, H 615, H 571, H 642, H 644, H 623, H 700, H 516, H 649, H 663, H 511, H 558, as amended, H 559, H 563, H 608, H 474, H 475, H 568, H 762, H 763, H 764, H 766, H 767, H 668, H 519, H 593, H 661, H 643, and H 581** which have passed the Senate.

WOOD, Secretary

HJM 18, HCR 55, HCR 44, H 495, H 549, H 540, H 569, H 622, H 618, H 614, H 615, H 571, H 642, H 644, H 623, H 700, H 516, H 649, H 663, H 511, H 558, as amended, H 559, H 563, H 608, H 474, H 475, H 568, H 762, H 763, H 764, H 766, H 767, H 668, H 519, H 593, H 661, H 643, and H 581 were referred to the Judiciary, Rules, and Administration Committee for enrolling.

March 15, 2004

Mr. Speaker:

I return herewith **H 520**, as amended in the Senate, which has passed the Senate.

WOOD, Secretary

H 520, as amended in the Senate, was ordered held at the Desk.

Mr. Wills asked unanimous consent that the House concur in the Senate amendments to **H 520**, as amended in the Senate. There being no objection, it was so ordered.

H 520, as amended in the Senate, was referred to the Judiciary, Rules, and Administration Committee for engrossing.

March 15, 2004

Mr. Speaker:

I return herewith **H 543** which has failed the Senate.

WOOD, Secretary

H 543 was filed in the Office of the Chief Clerk.

Report of Standing Committees

March 16, 2004

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **H 836, H 837, H 838, H 839, H 840, and H 841**.

FIELD(18), Chairman

H 836, H 837, H 838, H 839, H 840, and H 841 were filed for second reading.

March 16, 2004

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have engrossed **H 560**, as amended in the Senate, and **H 473**, as amended in the Senate.

FIELD(18), Chairman

H 560, as amended in the Senate, and **H 473**, as amended in the Senate, were filed for first reading of engrossed bills.

March 16, 2004

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **HJM 15, HCR 40, HJM 17, HCR 39, and HCR 45** to the Secretary of State at 11:28 a.m., as of this date, March 15, 2004.

FIELD(18), Chairman

March 15, 2004

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration **H 832** and **H 810** and recommend that they do pass.

CROW, Chairman

H 832 and **H 810** were filed for second reading.

March 15, 2004

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration **H 800** and **S 1439** and report them back with amendments attached to be placed on General Orders for consideration.

CROW, Chairman

H 800 and **S 1439** were placed on General Orders for consideration.

March 15, 2004

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration **S 1416** and recommend that it do pass.

FIELD(18), Chairman

S 1416 was filed for second reading.

March 15, 2004

Mr. Speaker:

We, your COMMITTEE ON BUSINESS, report that we have had under consideration **S 1391** and **S 1440** and recommend that they do pass.

BLACK, Chairman

S 1391 and **S 1440** were filed for second reading.

March 16, 2004

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration **S 1350**, as amended, and recommend that it do pass.

BARRACLOUGH, Chairman

S 1350, as amended, was filed for second reading.

March 16, 2004

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration **S 1373**, as amended, and **S 1438** and recommend that they do pass.

DEAL, Chairman

S 1373, as amended, and **S 1438** were filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

HOUSE JOINT MEMORIAL NO. 26 BY WAYS AND MEANS COMMITTEE

A JOINT MEMORIAL

TO THE PEOPLE AND THE GOVERNMENT OF SPAIN.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Fifty-seventh Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the citizens of the state of Idaho, many direct descendants of Spanish and Basque immigrants, have a particularly close connection to Spain; and

WHEREAS, on March 11, 2004, a series of bombs was detonated in Madrid, Spain, on four commuter trains; and

WHEREAS, the attack of March 11, a terrorist attack of the most heinous nature, killed hundreds of innocent men, women and children, and injured thousands more; and

WHEREAS, Idaho citizens and people throughout the world have reacted to this outrage with shock, horror and outrage; and

WHEREAS, on behalf of the people of Idaho, it is appropriate for the Legislature of Idaho to extend our sincerest and deepest condolences to the people and the government of Spain.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that we extend to the people and the government of Spain our sincerest and deepest condolences. We know of the great outrage and pain which these events have visited upon the people of Spain and upon the world community. We join citizens of goodwill and positive intent throughout the world in condemning terrorist acts wherever and whenever they are perpetrated.

BE IT FURTHER RESOLVED that the Chief Clerk of the

House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the Spanish Embassy.

HJM 26 was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**Introduction, First Reading, and Reference
of Bills and Joint Resolutions**

**HOUSE BILL NO. 842
BY APPROPRIATIONS COMMITTEE**

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE
DEPARTMENT OF AGRICULTURE FOR FISCAL YEAR
2005 FOR AGRICULTURAL FIELD BURNING AND
AGRICULTURAL SMOKE MANAGEMENT.

H 842 was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

S 1290, by Health and Welfare Committee, was introduced, read the first time by title, and referred to the Health and Welfare Committee.

First Reading of Engrossed Bills

H 560, as amended in the Senate, by State Affairs Committee, was introduced, read the first time by title and filed for second reading.

H 473, as amended in the Senate, by Transportation and Defense Committee, was introduced, read the first time by title and filed for second reading.

Second Reading of Bills and Joint Resolutions

H 835, by Business Committee, was read the second time by title and filed for third reading.

S 1232, as amended, by Judiciary and Rules Committee, was read the second time by title and filed for third reading.

S 1289 and **S 1292**, by Health and Welfare Committee, were read the second time by title and filed for third reading.

H 829, by State Affairs Committee, was read the second time by title and filed for third reading.

There being no objection, the House advanced to the Twelfth Order of Business.

Consideration of General Orders

Mr. Denney moved that the House do now resolve itself into a Committee of the Whole House for the consideration of General Orders. Seconded by Ms. Jaquet. Motion carried.

Whereupon the House resolved itself into a Committee of the Whole House for the consideration of General Orders with Mr. Moyle in the Chair.

When the Committee of the Whole House rose, the Speaker returned to the Chair and the House was in order.

Report of the Committee of the Whole House

March 16, 2004

Mr. Speaker:

We, your COMMITTEE OF THE WHOLE HOUSE, report that we have had under consideration **H 798**, **S 1323**, **H 800**, and **S 1439** and report them back without recommendation, amended as follows:

HOUSE AMENDMENTS TO H 798

AMENDMENTS TO SECTION 2

On page 2 of the printed bill, in line 5, delete "or by any county or municipality"; in line 16, delete "state or" and insert: "state"; and in line 17, delete "by any county or municipality,".

AMENDMENTS TO SECTION 3

On page 2, delete lines 43 through 48 and insert:

"(7-) To accept from any state, county, or city, or any public official, any official books, records, documents, original papers, newspaper files, printed books, or portraits, not in current use. When such documents are so accepted, copies therefrom shall be made and certified under the seal of the society upon application of any person, which person shall pay for such copies reasonable fees established by the society."

On page 3, in line 2, following "9-" insert: "(8)"; in line 4, delete "(8)" and insert: "(9)"; in line 8, delete "(9)" and insert: "(10)"; in line 9, delete "(10)" and insert: "(11)"; in line 10, delete "(11)" and insert: "(12)"; and in line 13, delete "(12)" and insert: "(13)".

AMENDMENT TO SECTION 4

On page 3, delete lines 51 through 53.

AMENDMENT TO SECTION 6

On page 5, in line 23, following "trustees" insert: ", upon notification to the cochairs of the joint finance-appropriations committee,".

HOUSE AMENDMENT TO S 1323

AMENDMENTS TO SECTION 1

On page 1 of the printed bill, delete lines 20 through 25 and insert:

"intoxicants or narcotics. School bus drivers shall ~~be subject to meet~~ the physical examination standards of the federal motor carrier safety regulations. Provided however, that individuals with insulin dependent diabetes mellitus, who are otherwise medically qualified under the physical examination standards of the federal motor carrier safety regulations, may request a waiver for this condition ~~and, in the discretion of the board of trustees,~~

~~be issued a school~~"; in line 29, following "education-" insert: "from the state department of education. If the applicant meets the requirements as specified in subsections (1) through (7) of this section, the department shall grant a waiver. The department shall notify each applicant and each affected school district of its determination of eligibility with regard to each application for a waiver. An applicant shall:

(1) Document that he has no other disqualifying conditions including diabetes-related complications;

(2) Document that he has had no recurring, two (2) or more, hypoglycemic reactions resulting in a loss of consciousness or seizure within the past five (5) years. A period of one (1) year of demonstrated stability is required following the first episode of hypoglycemia;

(3) Document that he has had no recurrent hypoglycemic reactions requiring the assistance of another person within the past five (5) years. A period of one (1) year of demonstrated stability is required following the first episode of hypoglycemia;

(4) Document that he has had no recurrent hypoglycemic reactions resulting in impaired cognitive function that occurred without warning symptoms within the past five (5) years. A period of one (1) year of demonstrated stability is required following the first episode of hypoglycemia;

(5) Document that he has been examined by a board-certified or board-eligible endocrinologist who has conducted a complete medical examination. The complete medical examination shall consist of a comprehensive evaluation of the applicant's medical history and current status with a report including the following information:

(a) The date insulin use began;

(b) Diabetes diagnosis and disease history;

(c) Hospitalization records;

(d) Consultation notes for diagnostic examinations;

(e) Special studies pertaining to the diabetes;

(f) Follow-up reports;

(g) Reports of any hypoglycemic insulin reactions within the last five (5) years;

(h) Two (2) measures of glycosylated hemoglobin, the first ninety (90) days before the last and current measure;

(i) Insulin dosages and types, diet utilized for control and any significant factors such as smoking, alcohol use, and other medications or drugs taken; and

(j) Examinations to detect any peripheral neuropathy or circulatory insufficiency of the extremities;

(6) Submit a signed statement from an examining endocrinologist indicating the following medical determinations:

(a) The endocrinologist is familiar with the applicant's medical history for the past five (5) years, either through actual treatment over that time or through consultation with a physician who has treated the applicant during that time;

(b) The applicant has been educated in diabetes and its management, thoroughly informed of and understands the procedures which must be followed to monitor and manage the applicant's diabetes and what procedures should be followed if complications arise; and

(c) The applicant has the ability and has demonstrated willingness to properly monitor and manage the applicant's diabetes; and

(7) Submit a separate signed statement from an

ophthalmologist or optometrist that the applicant has been examined and that the applicant does not have diabetic retinopathy and meets the vision standard in 49 CFR 391.41(b)(10), or has been issued a valid medical exemption. If the applicant has any evidence of diabetic retinopathy, the applicant must be examined by an ophthalmologist and submit a separate signed statement from the ophthalmologist that the applicant does not have unstable advancing disease of blood vessels in the retina, known as unstable proliferative diabetic retinopathy."; and delete lines 38 through 40 and insert: "49-105, Idaho Code, and a school bus driver's permit issued by the board of trustees and, if applicable, a waiver for insulin dependent diabetes mellitus issued by the board of trustees state department of education. The school bus driver's permit shall be in a".

On page 2, following line 10, insert:

"The state department of education shall promulgate rules as necessary for the determination of eligibility and issuance of a waiver to individuals with insulin dependent diabetes mellitus in accordance with the provisions of this section."

CORRECTION TO TITLE

On page 1, delete lines 3 and 4 and insert: "PROVIDE THAT THE STATE DEPARTMENT OF EDUCATION MAY ISSUE A MEDICAL WAIVER TO INDIVIDUALS WITH INSULIN DEPENDENT DIABETES MELLITUS IF THE DEPARTMENT DETERMINES THAT AN APPLICANT HAS MET THE REQUIREMENTS AS SPECIFIED, AND TO REQUIRE THE DEPARTMENT TO PROMULGATE RULES AS NECESSARY TO IMPLEMENT THE PROVISIONS FOR DETERMINING ELIGIBILITY AND ISSUING SUCH WAIVERS."

HOUSE AMENDMENT TO H 800

AMENDMENTS TO SECTION 1

On page 1 of the printed bill, delete lines 24 and 25, and insert: "the owner to a bona fide lessee for grazing purposes; or".

On page 2, delete line 1, and insert: "making agricultural for-profit enterprise shall not be considered to be land"; and delete lines 19 through 21, and insert:

"(6) As used in this section, "for-profit" means the enterprise will over some period of time make or attempt to make a return of income exceeding expenses."

CORRECTION TO TITLE

On page 1, delete lines 5 and 6, and insert: "PURPOSES AND TO DEFINE THE TERM "FOR-PROFIT"; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION."

HOUSE AMENDMENT TO S 1439

AMENDMENTS TO SECTION 1

On page 2 of the printed bill, delete lines 37 through 52; on page 3, delete lines 1 through 9 and insert:

"70-2205. COOPERATION OF COUNTY. For the purpose of cooperating in the planning, establishment, construction or operation of an intermodal authority or any of its facilities, any governing body of the respective county for which an intermodal

authority has been created may:

(1) Dedicate, sell, convey or lease any of its interest in any property or facility or grant easements, licenses, or any other rights or privileges therein to the intermodal authority;

(2) Cooperate with the intermodal authority in the planning of an intermodal authority and its facilities; and

(3) Enter into agreements with the intermodal authority respecting action to be taken by the county pursuant to the provisions of this section.";

also on page 3, in line 12, delete ", but not limited to"; delete lines 13 through 15; in line 16, delete "(2)" and insert: "(1)"; in line 18, delete "(3)" and insert: "(2)"; in line 19, delete "(4)" and insert: "(3)"; in line 20, delete "(5)" and insert: "(4)"; in line 22, delete "(6)" and insert: "(5)"; in line 26, delete "(7)" and insert: "(6)"; in line 31, delete "(8)" and insert: "(7)"; and in line 34, delete "(9)" and insert: "(8)".

On page 5, in line 10, delete "may" and insert: "shall"; in line 15, following "able." insert: "In no circumstance shall the bonds be payable with a property tax."; and on page 6, delete lines 11 through 17.

CORRECTIONS TO TITLE

On page 1, in line 11, delete "FUND," and insert: "FUND AND"; and delete lines 12 and 13 and insert: "BLE TO FEDERAL, STATE AND LOCAL MONEY.".

We have also had under consideration **S 1288** and report it back without recommendation and without amendments.

MOYLE, Chairman

Mr. Moyle moved that the report be adopted. Seconded by Mr. Denney.

Whereupon the Speaker declared the report adopted.

H 798, as amended, and **H 800**, as amended, were referred to the Judiciary, Rules, and Administration Committee for engrossing.

S 1323, as amended in the House, and **S 1439**, as amended in the House, were filed for first reading.

S 1288 was filed for second reading.

The amendments were referred to Judiciary, Rules, and Administration committee for printing.

There being no objection, the House returned to the Seventh Order of Business.

Motions, Memorials, and Resolutions

Mr. Denney moved that all rules of the House interfering with the immediate consideration of **H 835** be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **H 835** be read the first time by title, second time by title, and third time at

length, section by section, and placed before the House for final consideration. Seconded by Ms. Jaquet.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Kellogg, Kulczyk, Lake, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 67.

NAYS -- None.

Absent and excused -- Cuddy, Jones, Langford. Total -- 3.

Total -- 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **H 835** was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Deal to open debate.

The question being, "Shall **H 835** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 68.

NAYS -- None.

Absent and excused -- Crow, Langford. Total -- 2.

Total -- 70.

Whereupon the Speaker declared **H 835** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Denney moved that all rules of the House interfering with the immediate consideration of **H 829** be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **H 829** be read the first time by title, second time by title, and third time at

length, section by section, and placed before the House for final consideration. Seconded by Ms. Jaquet.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Kellogg, Kulczyk, Lake, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 67.

NAYS -- None.

Absent and excused -- Cuddy, Jones, Langford. Total -- 3.

Total -- 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **H 829** was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Henbest to open debate.

The question being, "Shall **H 829** pass?"

Roll call resulted as follows:

AYES -- Andersen, Block, Boe, Cuddy, Deal, Douglas, Edmunson, Field(18), Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Langhorst, Martinez, Miller, Mitchell, Naccarato, Pasley-Stuart, Ring, Ringo, Robison, Sayler, Shepherd, Shirley, Smith(30), Smylie, Snodgrass, Trail, Mr. Speaker. Total -- 31.

NAYS -- Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Denney, Eberle, Ellsworth, Eskridge, Field(23), Gagner, Kulczyk, Lake, Langford, McGeachin, McKague, Meyer, Moyle, Nielsen, Raybould, Ridinger, Roberts, Rydalch, Sali, Schaefer, Skippen, Stevenson, Wills, Wood. Total -- 38.

Absent and excused -- Smith(24). Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 829** failed to pass the House and ordered the bill filed in the Office of the Chief Clerk.

Mr. Denney moved that all rules of the House interfering with the immediate consideration of **H 836** be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **H 836** be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Ms. Jaquet.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Kellogg, Kulczyk, Lake, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 67.

NAYS -- None.

Absent and excused -- Cuddy, Jones, Langford. Total -- 3.

Total -- 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **H 836** was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Jones to open debate.

The question being, "Shall **H 836** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Harwood, Henbest, Jaquet, Jones, Kellogg, Lake, Langford, Langhorst, Martinez, McGeachin, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 64.

NAYS -- Barrett, Kulczyk, McKague, Sali. Total -- 4.

Absent and excused -- Gagner, Garrett. Total -- 2.

Total -- 70.

Whereupon the Speaker declared **H 836** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Denney moved that all rules of the House interfering with the immediate consideration of **H 810** be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **H 810** be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Ms. Jaquet.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Kellogg, Kulczyk, Lake, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 67.

NAYS -- None.

Absent and excused -- Cuddy, Jones, Langford. Total -- 3.

Total -- 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **H 810** was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. McGeachin to open debate.

The question being, "Shall **H 810** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Harwood, Henbest, Jaquet, Jones, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Moyle, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 66.

NAYS -- Kellogg, Mitchell, Naccarato. Total -- 3.

Absent and excused -- Garrett. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 810** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

There being no objection, the House advanced to the Eleventh Order of Business.

Third Reading of Bills and Joint Resolutions

S 1432 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Gagner to open debate.

The question being, "Shall **S 1432** pass?"

Roll call resulted as follows:

AYES -- Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Bolz, Bradford, Cannon, Clark, Collins, Crow, Deal, Denney, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Kellogg, Kulczyk, Lake, Langford, McGeachin, McKague, Meyer, Miller, Moyle, Nielsen, Raybould, Ring, Roberts, Rydalch, Sali, Schaefer, Shirley, Skippen, Smith(24), Smylie, Snodgrass, Stevenson, Wills, Wood, Mr. Speaker. Total -- 50.

NAYS -- Andersen, Boe, Campbell, Cuddy, Douglas, Henbest, Jaquet, Jones, Langhorst, Martinez, Mitchell, Naccarato, Pasley-Stuart, Ridinger, Ringo, Robison, Sayler, Shepherd, Smith(30), Trail. Total -- 20.

Total -- 70.

Whereupon the Speaker declared **S 1432** passed the House. Title was approved and the bill was ordered returned to the Senate.

S 1433 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Bell to open debate.

The question being, "Shall **S 1433** pass?"

Roll call resulted as follows:

AYES -- Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Bolz, Bradford, Cannon, Clark, Collins, Crow, Deal, Denney, Eberle, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Kellogg, Kulczyk, Lake, Langford, McGeachin, McKague, Meyer, Moyle, Nielsen, Raybould, Ring, Roberts, Rydalch, Sali, Schaefer, Shirley, Skippen, Smith(24), Stevenson, Wills, Wood, Mr. Speaker. Total -- 46.

NAYS -- Andersen, Boe, Campbell, Cuddy, Douglas, Edmunson, Henbest, Jaquet, Jones, Langhorst, Martinez, Miller, Mitchell, Naccarato, Pasley-Stuart, Ridinger, Ringo, Robison, Sayler, Shepherd, Smith(30), Smylie, Snodgrass, Trail. Total -- 24.

Total -- 70.

Whereupon the Speaker declared **S 1433** passed the House. Title was approved and the bill was ordered returned to the Senate.

S 1434 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bolz to open debate.

The question being, "Shall **S 1434** pass?"

Roll call resulted as follows:

AYES -- Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Bolz, Bradford, Campbell, Cannon, Clark,

Collins, Crow, Deal, Denney, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Jones, Kellogg, Kulczyk, Lake, Langford, McGeachin, McKague, Meyer, Miller, Moyle, Nielsen, Raybould, Ring, Ringo, Roberts, Rydalch, Sali, Schaefer, Shepherd, Shirley, Skippen, Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 55.

NAYS -- Andersen, Boe, Cuddy, Douglas, Henbest, Jaquet, Langhorst, Martinez, Naccarato, Pasley-Stuart, Ridinger, Robison, Sayler, Smith(30). Total -- 14.

Absent and excused -- Mitchell. Total -- 1.
Total -- 70.

Whereupon the Speaker declared **S 1434** passed the House. Title was approved and the bill was ordered returned to the Senate.

Mr. Moyle moved that the House recess until 1 p.m. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House at recess until 1 p.m.

RECESS

Afternoon Session

The House reconvened at 1 p.m., the Speaker in the Chair.

Roll call showed 69 members present.
Absent and excused -- Snodgrass. Total -- 1.
Total -- 70.

Prior to recess, the House was at the Eleventh Order of Business.

Third Reading of Bills and Joint Resolutions

H 524, as amended in the Senate, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Meyer to open debate.

The question being, "Shall **H 524**, as amended in the Senate, pass?"

Roll call resulted as follows:

AYES -- Andersen, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Stevenson, Trail, Wills, Wood, Mr. Speaker.

Total -- 66.

NAYS -- None.

Absent and excused -- Barraclough, Eskridge, McKague, Snodgrass. Total -- 4.
Total -- 70.

Whereupon the Speaker declared **H 524**, as amended in the Senate, passed the House. Title was approved and the bill was referred to Judiciary, Rules, and Administration Committee for enrolling.

Mr. Sali asked unanimous consent that Rule 70, with the exception of smoking, be suspended for the balance of the Legislative Week. There being no objection, it was so ordered.

Mr. Denney asked unanimous consent that **S 1283** be placed at the top of the Third Reading Calendar on Wednesday, March 17, 2004. There being no objection, it was so ordered.

S 1367 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Moyle to open debate.

The question being, "Shall **S 1367** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shirley, Skippen, Smith(30), Smith(24), Smylie, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 67.

NAYS -- None.

Absent and excused -- Eskridge, Shepherd, Snodgrass. Total -- 3.
Total -- 70.

Whereupon the Speaker declared **S 1367** passed the House. Title was approved and the bill was ordered returned to the Senate.

S 1275 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Smith(24) to open debate.

At this time, Mr. Denney took the Chair.

The question being, "Shall **S 1275** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Bauer, Black, Block, Bradford, Campbell, Cannon, Clark, Collins, Cuddy, Deal, Denney, Douglas, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Henbest, Jaquet, Kellogg, Lake, Langford, Langhorst, McGeachin, Miller, Mitchell, Naccarato, Nielsen, Pasley-Stuart, Ring, Ringo, Roberts, Robison, Rydalch, Saylor, Schaefer, Shepherd, Skippen, Smith(30), Smith(24), Smylie, Trail, Wills, Wood. Total -- 47.

NAYS -- Barrett, Bayer, Bedke, Bell, Boe, Bolz, Crow, Eberle, Harwood, Jones, Kulczyk, Martinez, McKague, Meyer, Moyle, Raybould, Ridinger, Sali, Shirley, Stevenson. Total -- 20.

Absent and excused -- Gagner, Snodgrass, Mr. Speaker. Total -- 3.

Total -- 70.

Whereupon the Speaker Pro Tem declared **S 1275** passed the House. Title was approved and the bill was ordered returned to the Senate.

S 1262, as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Edmunson to open debate.

The question being, "Shall **S 1262**, as amended, pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Lake, Langford, Langhorst, Martinez, McGeachin, Miller, Mitchell, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Robison, Rydalch, Sali, Saylor, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Stevenson, Trail, Wills, Wood. Total -- 61.

NAYS -- Barrett, Kulczyk, McKague, Moyle. Total -- 4.

Absent and excused -- Gagner, Meyer, Roberts, Snodgrass, Mr. Speaker. Total -- 5.

Total -- 70.

Whereupon the Speaker Pro Tem declared **S 1262**, as amended, passed the House. Title was approved and the bill was ordered returned to the Senate.

S 1379 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Ridinger to open debate.

The question being, "Shall **S 1379** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer,

Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Robison, Rydalch, Sali, Saylor, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Stevenson, Trail, Wills, Wood. Total -- 66.

NAYS -- None.

Absent and excused -- Gagner, Roberts, Snodgrass, Mr. Speaker. Total -- 4.

Total -- 70.

Whereupon the Speaker Pro Tem declared **S 1379** passed the House. Title was approved and the bill was ordered returned to the Senate.

S 1394 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Smith(24) to open debate.

The question being, "Shall **S 1394** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Robison, Rydalch, Sali, Saylor, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Stevenson, Trail, Wills, Wood. Total -- 65.

NAYS -- None.

Absent and excused -- Cuddy, Gagner, Roberts, Snodgrass, Mr. Speaker. Total -- 5.

Total -- 70.

Whereupon the Speaker Pro Tem declared **S 1394** passed the House. Title was approved and the bill was ordered returned to the Senate.

S 1407 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mrs. Field(18) to open debate.

The question being, "Shall **S 1407** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Deal, Denney, Douglas, Edmunson, Ellsworth, Eskridge,

Field(18), Field(23), Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Robison, Rydalc, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Stevenson, Trail, Wills, Wood. Total -- 59.

NAYS -- Barrett, Bauer, Eberle, McKague, Meyer. Total -- 5.

Absent and excused -- Cuddy, Gagner, Roberts, Sali, Snodgrass, Mr. Speaker. Total -- 6.

Total -- 70.

Whereupon the Speaker Pro Tem declared **S 1407** passed the House. Title was approved and the bill was ordered returned to the Senate.

S 1353 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Bayer to open debate.

The question being, "Shall **S 1353** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Collins, Crow, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Robison, Rydalc, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Stevenson, Trail, Wills, Wood. Total -- 64.

NAYS -- None.

Absent and excused -- Clark, Cuddy, Gagner, Roberts, Snodgrass, Mr. Speaker. Total -- 6.

Total -- 70.

Whereupon the Speaker Pro Tem declared **S 1353** passed the House. Title was approved and the bill was ordered returned to the Senate.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 9:30 a.m., Wednesday, March 17, 2004. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker Pro Tem declared the House adjourned at 2 p.m.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk